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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,252	07/28/2000	Joseph Skeffington Wholey III	07470-050001	2390
20985	7590	04/01/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,252

Applicant(s)

WHOLEY III ET AL.

Examiner

Javid A Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8,9,11-14,16-18,21,22,24-27,29-31,34,35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 20, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-5, 8-9, 11-14, 16-18, 21-22, 24-27, 29-31, 34-35, 37-39 rejected under 35

U.S.C. 102(a) as being anticipated by Stanfill et al. (hereinafter refers as a Stanfill).

1. Claim 1,

Stanfill in col. 10 lines 12-18 discloses the step of “a method for modifying a graph representing an executable computer application, the graph having vertices representing components and links between components indicating flows of data between such components the graph further having components with parameters, including:” Stanfill in cols. 13-14 lines 53-67 and lines 1-2 respectively discloses the steps of “a” and “b” as follows: “(a) Programmatically retrieving a runtime parameter for the graph at runtime execution of the graph, the runtime parameter having a value defined as determinable at runtime execution of the graph, (b) determining whether the value for the runtime parameter is to be provided by user

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input or is to be externally supplied programmatically;” Stanfill in col. 8 lines 33-55 discloses the step of following limitation “(c) displaying a prompt to a user for receiving user input for every runtime parameter so determined to be provided by user input;”. Stanfill in col. 8 lines 14-67 discloses the step of “(d) retrieving any externally supplied value for every runtime parameters determined to be externally supplied programmatically;”. Stanfill in col. 17 lines 17-23 discloses inherently the step of “(e) determining a final parameter value based on one of the user input to such prompt or such externally supplied value or a default value;”. Stanfill in cols. 16-17, line 67; lines 1-9 respectively teaches inherently the step of “(f) modifying the application represented by the graph using the first final parameter value as the value for the runtime parameter”. Stanfill in col. 17 lines 30-43 discloses inherently the step of “(g) executing the application represented by the modified graph”.

2. Claim 3,

The following step is inherent “providing an interface, which permits designating a parameter of a graph component as a runtime parameter”.

3. Claim 5,

The following limitation is inherent “the expression computes metadata”.

4. Claim 8,

The following step is inherent “displaying the prompt depends upon evaluation of user input to a prior displayed prompt”.

5. Claims 9, 12, 14, 22, 25, 27, 35 and 38

The rejection of claim 1 applies to rejection of claims 9, 12, 14, 22, 25, 27, 35 and 38

6. Claims 11, 13, 16, 24, 26, 29, 37 and 39

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The rejection of claim 3 applies to rejection of claims 11, 13, 16, 24, 26, 29, 37 and 39.

7. Claims 17 and 30

The rejection of claim 4 applies to rejection of claims 17 and 30.

8. Claims 18 and 31

The rejection of claim 5 applies to rejection of claims 18 and 31.

9. Claims 21 and 34

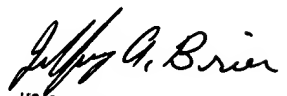
The rejection of claim 8 applies to rejection of claims 21 and 34.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid Amini

Javid A Amini
Examiner
Art Unit 2672


JEFFERY BRIER
PRIMARY EXAMINER